

LOS ANGELES BAR BULLETIN



LAW LIBRARY
UNIVERSITY OF WASHINGTON

In This Issue

A Word From The President	<i>Paul Fussell</i> 257
Committees of Los Angeles Bar Association, 1947-48	258
Report of the Committee on Law Library	265
New United States Supreme Court Reporter Appointed	<i>Stephen M. Farrand</i> 266
Shakespeare's Acquaintance With the Law	<i>G. R. Larwill</i> 268
Legal Ethics, Opinion No. 163	283
Digest of Report of Committee on Divorce Courts	286



Advance Announcement

1947

★ **CUMULATIVE SUPPLEMENT**

MONTGOMERY'S MANUAL

OF

**FEDERAL JURISDICTION AND PROCEDURE
WITH FORMS**

This new cumulative supplement now in preparation
will contain—

ALL new Amendments to 32 of the
Rules of Civil Procedure

4 new amended **FORMS**

NEW cases on the rules since the 1947
Supplement.

MONTGOMERY'S MANUAL—Your practice guide under the
new Federal Rules of both Civil and Criminal Procedure

FOURTH EDITION, with 1947 Cumulative Supplement
\$18.00 (1947 Supplement, separately, \$3.50)



Published and For Sale By

★ **BANCROFT-WHITNEY COMPANY**

200 McALLISTER STREET • SAN FRANCISCO 1, CALIFORNIA



NT

AL

URE

tion



r the

ment

NY
NIA

OF

V

PA

WA

CH

Rel

Con

Rel

Par

A

F

ney

Ass

at t

par

men

ney

inqu

ine

terv

ciati

.

tice,

tive

Asse

LOS ANGELES BAR BULLETIN

Official Monthly Publication of Los Angeles Bar Association. Entered as second class matter October 15, 1943, at the Postoffice at Los Angeles, California, under Act of March 3, 1879. Subscription Price \$1.00 a Year; 10c a Copy.

VOL. 22

MAY, 1947

No. 9

OFFICERS

PAUL FUSSELL, President

WALTER L. NOSSAMAN, Senior Vice-President

CHARLES E. MILLIKAN, Junior Vice-President

Secretary's Office: 1124 Rowan Bldg., Los Angeles 13, Telephone TUCKER 8118

CLARENCE B. RUNKLE, Secretary

EWELL D. MOORE, Treasurer

J. L. ELKINS, Executive Secretary

TRUSTEES

Robert H. Baker, Jr.
Cameron W. Cecil
Robert H. Dunlap
Paul Fussell

W. I. Gilbert, Jr.
Aubrey N. Irwin
Fred A. Knight
Dana Latham

Charles E. Millikan
Ewell D. Moore
Walter L. Nossaman
Philip H. Richards

Clarence B. Runkle
Herman F. Selvin
Howard F. Shepherd
Frank C. Weiler

BULLETIN COMMITTEE

THOMAS JAMES CUNNINGHAM

LEROY A. GARRETT

A. STEVENS HALSTED, JR.

FRANK S. BALTHIS, JR., Editor

STANLEY JEWELL

EWELL D. MOORE

FRANCIS H. O'NEILL

BULLETIN BUSINESS OFFICE

241 East Fourth Street
TRinity 5206

BULLETIN EDITORIAL OFFICE

1124 Rowan Building
TUCKER 8118

A WORD FROM THE PRESIDENT

FOR the first time since 1941, law school graduates in large numbers will soon be seeking employment or association with attorneys. Once again the Placement Service of the Los Angeles Bar Association will assist both applicants and attorneys.

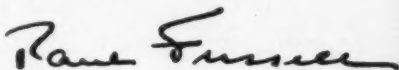
Through this service, applicants for employment may register at the office of the Association by filing an application giving full particulars as to age, education, experience and salary requirements. Upon inquiry, either by phone or letter, from any attorney, all current applications which fall within the field of the inquiry are sent to the office of the attorney, so that he may examine them in detail and decide for himself which applicants to interview. Applications are then returned to the office of the Association so as to be available for the next inquiry.

Applicants may be either attorneys already admitted to practice, or persons who intend to take the bar examination. Prospective employers may be either members or nonmembers of the Association. The Placement Service is conducted without any

charge, either to the applicant for position or to the prospective employer.

The Placement Service of the Association has proved of great value in the past. This year we want it to be of increased value, since most of the applicants for positions will be veterans of World War II.

When law school graduates and other applicants consult us, let us suggest that they register at the office of the Association. In considering additions to our office staffs, let us make full use of the applications on file with the Association.



**COMMITTEES OF LOS ANGELES BAR
ASSOCIATION
1947-1948**

COMMITTEE ON ADMINISTRATIVE LAW

W. M. Farrer
Chairman

Dana Latham
Board Member

Alva C. Baird
J. Wesley Cupp

Eugene M. Elson
Knox Farrand
Guy T. Graves
Leonard S. Janofsky
Cyril R. Leslie
Harry J. McClean
Charles E. McDowell

COMMITTEE ON ARBITRATION

Thomas A. Wood
Chairman

Howard F. Shepherd
Board Member

Noel C. Edwards

George F. Elmendorf
Gordon F. Hampton
William I. Heffron
Louis E. Kearney
Frederick W. Lake
Arch R. Tuthill

COMMITTEE ON THE BULLETIN

Frank S. Balthis, Jr.
Chairman

Ewell D. Moore
Board Member

Thomas James Cunningham
Leroy A. Garrett
A. Stevens Halsted, Jr.
Stanley Jewell
Francis H. O'Neill

COMMITTEE ON CIVIL SERVICE EXAMINATIONS

Frank P. Doherty
Chairman
W. I. Gilbert, Jr.
Board Member
Forrest A. Betts

David Coleman
Roy L. Herndon
Gerald G. Kelly
John L. Martin
Frederic H. Vercoe

COMMITTEE ON CONSTITUTIONAL AMENDMENTS

Ivan G. McDaniel
Chairman
Clarence B. Runkle
Board Member
Sherman Anderson

Edward L. Butterworth
Francis B. Cobb
Otto A. Gerth
Stanley N. Gleis
Verne E. Robinson
Caryl Warner

COMMITTEE ON CONSTITUTIONAL RIGHTS

George W. Dryer
Chairman
Robert H. Dunlap
Board Member
Louis Greenbaum

Edward Hervey
H. Bradley Jones
John C. McHose
Shepard Mitchell
Bruce Wallace

COMMITTEE ON COORDINATION OF COMMITTEE WORK

Ray L. Chesebro
Chairman
Walter L. Nossaman
Board Member

Leon T. David
Charles J. Higson
James H. Mitchell
Don F. Tyler
Melvin D. Wilson

COMMITTEE ON CORPORATIONS

Earl C. Adams
Chairman
Philip H. Richards
Board Member
Gene G. Curry

Roy A. Gustafson
Raymond V. Haun
Walter S. Hilborn
George R. Larwill
Glenn B. Martineau
Robert W. Proudfit

COMMITTEE ON NEW COUNTY COURTHOUSE

Emmett E. Doherty
Chairman
Frank C. Weller
Board Member
L. B. Binford

Bernard Brennan
George W. Cohen
John J. Ford
Carl M. Gould
Edward S. Shattuck
Paul Vallee

COMMITTEE ON INFERIOR CRIMINAL COURT PRACTICE

Leon B. Brown	William P. Gray
<i>Chairman</i>	Marshall Gumbiner
Herman Selvin	John W. Loucks
<i>Board Member</i>	Hallam Mathews
Talmage V. Burke	Arthur Pugh
Huston T. Carlyle	B. O. Smith
Sidney A. Cherniss	Dee B. Tanner

COMMITTEE ON CRIMINAL LAW AND PROCEDURE

Grant Cooper	James M. Carter
<i>Chairman</i>	George C. Chatterton
Herman Selvin	Vernon L. Ferguson
<i>Board Member</i>	Wm. T. McNeely
Bates Booth	S. Ernest Roll

COMMITTEE ON DIVORCE COURT

Milo V. Olson	Gordon F. Hampton
<i>Chairman</i>	Paul E. Iverson
Charles E. Millikan	Norf J. Jebbia
<i>Board Member</i>	Vere Radir Norton
Robert L. Corfman	Herbert T. Silverberg
Marvin Freeman	Wm. Hawes Smith
	A. Marburg Yerkes

COMMITTEE ON ETHICS AND ETHICAL PRACTICES

William T. Coffin	Richard T. Drukker
<i>Chairman</i>	Hudson P. Hibbard
James Neil Hastings	Joseph K. Horton
<i>Vice-Chairman</i>	Robert E. Paradise
Robert H. Dunlap	Austin H. Peck, Jr.
<i>Board Member</i>	Monroe R. Rubin
Gerald Bridges	Hon. Joseph W. Vickers
John S. Chapman	Emmett H. Wilson, Jr.

FEDERAL COURT CRIMINAL DEFENSE COMMITTEE

J. E. Simpson	Mark L. Herron
<i>Chairman</i>	Fred Horowitz
Herman F. Selvin	Henry C. Huntington
<i>Board Member</i>	John J. Irwin
Donald Armstrong	Randolph Karr
Bates Booth	Llewellyn J. Moses
David H. Cannon	Maurice Norcop
William P. Gray	Ernest R. Utley

GOLF COMMITTEE

Richard J. O. Culver
Chairman
 Clarence Runkle
Board Member
 Fred Aberle

Joseph D. Brady
 Robert L. Corfman
 Hon. Clarence L. Kincaid
 Pat A. McCormick
 Victor P. Showers

COMMITTEE ON HISTORY OF THE BENCH AND BAR

John O'Melveny
Chairman
 Aubrey N. Irwin
 William D. Campbell
 Thurmond Clarke

Homer D. Crotty
 Victor Kendrick
 Kenyon Lee
 Robert Meserve
 Lucien W. Shaw
 Pierce Works

COMMITTEE ON JUDICIAL CAMPAIGN

Frank Wickhem
Chairman
 Frank Weller
Board Member

B. J. Bradner
 Richard A. Turner

COMMITTEE ON THE JUDICIARY

Arnold Praeger
Chairman
 Clarence B. Runkle
Board Member
 Reginald Bauder
 Arthur E. Freston
 Stanley Howell

Joseph L. Lewinson
 Alexander Macdonald
 John C. Morrow
 J. W. Mullin, Jr.
 Benjamin S. Parks
 Thomas Reynolds
 Sidney H. Wall
 Albert E. Wheatcroft

JUNIOR BARRISTERS

Cameron W. Cecil
Chairman
 Phil H. Curry
1st Vice-Chairman

Robert M. Barton
2nd Vice-Chairman
 Robert B. Ballantyne
Secretary-Treasurer

COMMITTEE ON JURY SELECTION

Burdette J. Daniels
Chairman
 Dana Latham
Board Member
 Herbert S. Hazeltine
 Hudson P. Hibbard

Maurice J. Hindin
 Edward C. Jones
 George W. Loring
 Michael G. Luddy
 S. V. O. Pritchard
 Ronald C. Roeschlaub
 Frank C. Sproul

COMMITTEE ON JUVENILE COURT

Allan L. Leonard	James W. McNabb
<i>Chairman</i>	David G. Saunders
Herman F. Selvin	William K. Stewart
<i>Board Member</i>	Woodson Wallace
Betty B. Gillette	Ruth B. Ward
Joseph L. Greene	Harold A. Slane
Roy Littlejohn	Courtney A. Teel

COMMITTEE ON LAW LECTURES

Joseph D. Peeler	Robert Ballantyne
<i>Chairman</i>	George I. Devor
Dana Latham	Ross C. Fisher
<i>Board Member</i>	Brenton L. Metzler
	William A. C. Roethke

COMMITTEE ON LAW LIBRARY

Norman A. Bailie	John L. Bland
<i>Chairman</i>	Daniel W. Chapman
F. A. Knight	Homer D. Crotty
<i>Board Member</i>	Thomas S. Dabagh
Ben S. Beery	Stephen M. Farrand
Harold A. Black	Reuel L. Olson

COMMITTEE ON LAWYERS' REFERENCE SERVICE

Vernon P. Spencer	Thomas S. Bunn
<i>Chairman</i>	Richard Davis
Howard F. Shepherd	Henry Herzbrun
<i>Board Member</i>	Herbert A. Huebner
John Berryman, Jr.	Thomas W. Hughes
H. E. Breitenbach	Edward S. Washburn

COMMITTEE ON LEGAL AID

Newton E. Anderson	Virginia Briggs
<i>Chairman</i>	Glen E. Huntsberger
	Louise Mason
Robert N. Baker, Jr.	Laughlin E. Waters
<i>Board Member</i>	George M. Weiner

COMMITTEE ON LEGISLATION

J. W. McKinley	Thomas J. Cunningham
<i>Chairman</i>	Jack O. Goldsmith
	George B. Gose
Frank C. Weller	James C. Ingebretson
<i>Board Member</i>	Warren E. Libby
Edward L. Compton	Clyde C. Triplett

COMMITTEE ON MEMBERSHIP

Augustus F. Mack, Jr. <i>Chairman</i>	Robert M. Barton Richard C. Bergen John P. Crutcher William J. D. Lane Everett W. Thompson
Philip H. Richards <i>Board Member</i>	

COMMITTEE ON MUNICIPAL CORPORATIONS

James H. Mitchell <i>Chairman</i>	Leon T. David Ray C. Eberhard Harold W. Kennedy Arvin B. Shaw, Jr. Leslie R. Tarr Thomas C. Williams Rollin E. Woodbury
Aubrey N. Irwin <i>Board Member</i>	
John F. Bender Loren A. Butts	

COMMITTEE ON PLEADING AND PRACTICE

Jackson W. Chance <i>Chairman</i>	Dee Holder Earl D. Killion Lee G. Paul Philip G. Smith Edward B. Stanton Lewis T. Sterry
Charles E. Millikan <i>Board Member</i>	
Richard T. Drukker George W. Fenimore	

COMMITTEE ON PROBATE LAW AND PROCEDURE

J. W. Mullin Jr. <i>Chairman</i>	Arthur J. Hair Otho G. Lord John Francis Moroney Thos. H. McGovern Lawrence L. Otis Donald R. Peck Benson L. Smith
Walter L. Nossaman <i>Board Member</i>	
Clyde C. Downing Stephen Farrand	

PROGRAM COMMITTEE

Delvy T. Walton <i>Chairman</i>	Hon. W. Turney Fox William B. Himrod John H. Saunders James C. Sheppard
Philip H. Richards <i>Board Member</i>	

COMMITTEE ON PSYCHOPATHIC COURT

Steadman G. Smith <i>Chairman</i>	Leonard A. Diether Leslie L. Heap Deane F. Johnson Robert S. Morris, Jr. Russell Seymour John A. White
W. I. Gilbert, Jr. <i>Board Member</i>	
James A. Broderick, Jr.	

COMMITTEE ON SMALL CLAIMS COURT

William D. Campbell <i>Chairman</i>	Mrs. Mae Carvell
Howard F. Shepherd <i>Board Member</i>	William E. Cornell
William C. Bartlett	Peter D. Knecht
James E. Bates	Mendel H. Lieberman
Adam Y. Bennion	Henry W. Low
	Kermit J. Morgan
	David S. Smith
	George K. Whitworth

COMMITTEE ON SUBSTANTIVE LAW

Howard W. Wright <i>Chairman</i>	Vincent C. Hickson
Walter L. Nossaman <i>Board Member</i>	George D. Jagels
Phil H. Curry	Lee G. Paul
Douglas C. Gregg	Philip G. Smith
	Herbert V. Walker
	Theodore Weisman

COMMITTEE ON TAXATION

A. Calder Mackay <i>Chairman</i>	Richard H. Forster
Dana Latham <i>Board Member</i>	W. Somner Holbrook Jr.
Stanley C. Anderson	Benjamin Kirby
John F. Bender	Kirk Smith
	Wellman P. Thayer
	Maynard J. Toll
	Clyde C. Triplett

COMMITTEE ON TRAFFIC COURT

J. Allen Davis <i>Chairman</i>	Joseph J. Burris
W. I. Gilbert, Jr. <i>Board Member</i>	Hon. William C. Curtis
Hon. F. Ray Bennett	Hon. H. A. Decker
Harold A. Black	William R. Gallagher
William H. Brainerd	William J. D. Lane
	Kenneth C. Newell
	Carl J. Schuck
	Donald Redwine

COMMITTEE ON UNLAWFUL PRACTICE OF LAW

William L. Murphy <i>Chairman</i>	Rufus Bailey
C. E. Millikan <i>Board Member</i>	Edward L. Butterworth
Herman Bachrack	Alex W. Davis
	Richard H. Forster
	Walter W. Heil
	Ernest R. Orfila

WOMEN'S JUNIOR COMMITTEE

Ruth A. Sayles

Chairman

Florence E. Ostrom

First Vice-Chairman

Elisabeth E. Zeigler

Second Vice-Chairman

Josephine Baker

Secretary-Treasurer

REPORT OF THE COMMITTEE
ON LAW LIBRARY

THIS Committee exists for the purpose of cooperating with the Board of Law Library Trustees of Los Angeles County in regard to the administration of the Law Library and the planning and erection of the new law library building.

In May, 1945, after considerable study of the problem, the Committee (then under the Chairmanship of Joseph Smith) submitted a report recommending that the law library be housed in a separate building rather than in any courthouse building, setting forth the reasons in detail. This report was approved by the Trustees of the Association, and an article was published in the June, 1945, BAR BULLETIN on the subject.

Subsequently the Law Library Trustees, after a public hearing (at which the Association was represented by the present Chairman of this Committee, and Mr. Reuben Hunt), adopted a resolution favoring a separate building. At the same hearing it developed that the most satisfactory site would be the southeast corner of First and Hill Streets, because of its ready accessibility from attorneys' offices and all the Civic Center buildings.

Soon thereafter the site was approved by the Civic Center Authority and by the Regional Planning Commission, and the County Board of Supervisors agreed to secure for the use of the Library about half of the site if the Law Library Trustees would acquire the remainder.

Since this understanding the Trustees have acquired by purchase the three parcels it was understood they would secure, and the County is about to acquire one of the two parcels which it assumed the responsibility of securing. The fifth parcel is the Central Jail property, and it is understood that this site will be

acquired by the County in due course by exchange of properties with the City.

Once the entire site is acquired, it is expected that the Board of Law Library Trustees will designate an architect to prepare plans and specifications for the building. Meanwhile the Librarian is working on "space studies" and on a scrap book of ideas for securing maximum functional efficiency and convenience in the new building. This Committee will be given an opportunity to go over the details when it wishes to do so.

The Law Library Board now has the following members: Judge Hartley Shaw, President, Judges Bishop, Swain and Pope, Supervisor Raymond V. Darby, and Max E. Utt, Esquire. The law relating to the Board and its functioning is found in the Business and Professions Code, Section 6300 *et seq.*

The reserve built up by the Board is believed to be sufficient to build the structure, unless costs continue to mount. Allowing time for preparation of plans and specifications, and for various delays, such as for conclusion of leases and termination of the City's use of the Central Jail building, it may reasonably be hoped that actual construction of the new law library building can be started in two or three years, when labor and materials will presumably be more readily available.

Respectfully submitted,

NORMAN A. BAILIE, *Chairman*

THOS. S. DABAGH, *Secretary*

NEW UNITED STATES SUPREME COURT REPORTER APPOINTED

By Stephen M. Farrand, of the Los Angeles Bar

ON FEBRUARY 25, 1946, the Supreme Court of the United States appointed Mr. Walter Wyatt reporter of the Court, effective March 1, 1946, in place of Mr. Ernest Knaebel, resigned. Mr. Knaebel had served as reporter from the October 1916 session of the Court until his retirement effective January 31, 1944.

Mr. Wyatt brings unique skill and competency to the post of reporter, which has been filled by many illustrious predecessors.

Formerly, the reports of our highest Court were known by the names of the reporters—Dallas, Cranch, Wheaton, Peters, Howard, Black and Wallace—and through 23 Wallace (90 U. S.) they are still properly cited by the reporter's name. Beginning with 91 U. S. the name of the reporter is disregarded in citing Supreme Court cases. By reason of this custom of citation, lawyers are familiar with the names of early reporters, but few recall the names of their recent successors. However, their work is of utmost importance to the Court and to the bar.

The lawyer who browses among the Supreme Court reports and books written about the Court will come upon a curious and explosive incident in the removal in 1843 of Mr. Richard Peters, who had served as reporter since 1828, and the appointment of his successor, Benjamin C. Howard. Mr. Justice Story was very indignant that the vote was taken at a meeting of the Justices without notice to him and another Justice, both of whom favored Peters, and at a time when those two Justices were absent from Washington. Story referred in writing to what he termed the ". . . neglect and want of courtesy . . ." of the other Justices in making the appointment in his absence. He then added: ". . . But let it pass; I no longer ever expect to see revived the kind and frank courtesy of the old Court, and I am content to take things as they are." (See Warren, *The Supreme Court*, Vol. II, pp. 106, 107.)

Despite his removal Peters continued to act for a year as reporter, and produced without official sanction the maverick Vol. 17 Peters. There is no such official volume, yet some sets of U. S. Reports contain both 17 Peters and the overlapping 1 Howard. There are not many copies available, but I am informed that the Los Angeles County Law Library has 17 Peters, and it is worthy of a few moments of a busy lawyer's time to examine it as a curiosity, and to read in the preface thereof Peters' own interesting version of his ousting.

Volume 326 of the U. S. Supreme Court Reports, recently issued, is the first of the United States Reports to carry Mr. Wyatt's name as the new reporter. A number of improvements are already to be noted. The subscribers to the official U. S. Reports doubtless all unite in the hope that the official volumes

can be released more promptly in the future, and that the long lags in publication which have occurred in the past can be kept to a minimum; and I believe this is one of Mr. Wyatt's first objectives.

Mr. Wyatt was born in Georgia, and graduated from the University of Virginia. He was editor in chief of the Virginia Law Review. He has been connected for thirty years with the Federal Reserve Bank at Washington, the last twenty-five years of which he has served as General Counsel to the Bank and to the Board of Governors, as it is now known. He has visited Los Angeles and is well known to lawyers and bankers here as well as throughout the United States. His past record justifies the belief that his editorial ability, orderly mind, and business "know-how" will prove most helpful to the Court and to lawyers everywhere.

SHAKESPEARE'S ACQUAINTANCE WITH THE LAW

By G. R. Larwill, of the Los Angeles Bar

DOWN the years students and admirers of Shakespeare have often paused to wonder if he might not actually have been a lawyer—at least, if he might not have received serious legal training. Even without this direct question in mind, one is bound to be impressed with Shakespeare's many references to law, lawyers and legal situations in his plays. Obviously he was keenly aware of law and of its importance. There is scarcely one play among his thirty-seven that does not contain some reference to law and to lawyers. Many deal at length with procedures and practices in law, not only in Shakespeare's own times, but with those of mythology, the ancient Mediterranean civilizations, of English heraldry and of the mysterious ecclesiastical courts and Star Chamber Sessions of early England.

It was probably only natural that England's greatest dramatist and poet, living at the end of the sixteenth and into the seventeenth centuries, should find such interest in the law. The common law of England, at once her pride and perhaps, in large measure, the reason for her greatness, could not but affect all of her citizens. One of Shakespeare's intellect could not but find in it the steady heartbeat of a nation growing in power.

All England, in fact, was law conscious. The feudal system which had produced so many of the fundamental laws of English property rights and the duties and privileges of individuals was past the peak of its importance. In Shakespeare's time—which was also Lord Coke's time (1552-1634), the struggle between parliament and the crown was going on in earnest and it would continue for many a long year and through the reign of many a sovereign.

Shakespeare's knowledge and understanding of law was gained at first hand and through personal encounters; also, in the routine, day-by-day events of the time. This last was of importance. The Inns of Court were not accessible alone to barristers. They constituted the intellectual center of London. Actors and playwrights were most certainly welcome there. Shakespeare's plays abound in casual (yet amazingly accurate) references to law and to lawyers that would be most natural to an intellectual and robust poet, writer, artist and actor who was frequently in and obviously enjoyed the company of lawyers. Shakespeare liked the law and the way it operated. It fascinated him and it amused him. It appealed to his strong sense of ordered government. Legal procedure frequently irritated him and this, I have no doubt, came from his personal encounters with it. Lawyers, themselves, both pleased and irritated him and they do their lay contemporaries today.

When Shakespeare has Hamlet summing up his great list of grievances he throws in a reference to law as one of them. In the famous soliloquy—"To Be or Not to Be" (Act III, Scene I), Hamlet wonders,

" * * * who would bear the whips and scorns of time,
* * *

The pangs of despised love, *the law's delay*,
The insolence of office, * * *

What could Hamlet, the Prince of Denmark, have known of the law's delay or the insolence of office? Shakespeare undoubtedly knew. Both he and his father figured in the court records of their time. John Shakespeare of Stratford-on-Avon was a municipal officer. He was a chamberlain, an alderman and a bailiff. It is certain the family was involved in their full, fair share of litigation. John was deprived of his alderman's gown in 1586-

being apparently unable to leave his home for fear of arrest, the family fortunes at that time being at lowest ebb. There were cases where John sought through the courts to recover property of his wife's which he had alienated during their thin financial times. These experiences were responsible, say Garnett & Gosse in their "History of English Literature" (Macmillan—1906) for teaching Shakespeare something of the law's delay.

With his ordered mind of such magnificent scope Shakespeare was bound to appreciate the need for discipline and good government, both personally and for the community. He shows this basic need through Ulysses in Troilus and Cressida (Act I, Scene III), as follows:

"The Heavens themselves, the planets, and this center,
Observe degree, priority, and place,
Insisture, course, proportion, season, form,
Office and custom, in all line of order;
* * * * *

Your Professional Group Accident and Sickness Insurance Policy

Approved by Your Insurance Committee and Board of Trustees
PROVIDES MAXIMUM PROTECTION AT MINIMUM COST
WITH WORLD-WIDE COVERAGE

IT PAYS

\$200 month for Accident up to 5 years

\$200 month for Sickness up to 1 year

\$2,000 Accidental Death

\$10,000 Dismemberment

\$7.00 day Hospital plus \$25 for Incidentals

ALL CLAIMS PAID LOCALLY

LOW SEMI-ANNUAL PREMIUMS

Through Age 49

Age 50 to 60

Age 60 to 65

\$32.60

\$37.85

\$48.35

For Further Information and Official Application

Communicate with

FRANK L. STORMENT

EXCLUSIVE REPRESENTATIVE

National Casualty Company of Detroit

609 South Grand Ave., Los Angeles 14 Telephone TRinity 3861

How could communities,
 Degrees in schools, and brotherhoods in cities,
 Peaceful commerce from dividable shores,
 The primogenity and due of birth,
 Prerogative of age, crowns, scepters, laurels,
 But by degree, stand in authentic place?
 Take but degree away, untune that string,
 And, hark, what discord follows!"

THE KING AS THE FOUNTAINHEAD OF JUSTICE

As every lawyer knows, the conception of the king as the fountainhead of justice is as old in civilization as the Code of Babylonia's Hammurabi (2123-2081 B. C.), "Let any oppressed man who has a cause, come before my image as king of righteousness!" (Durant's *The Story of Civilization—Our Oriental Heritage*—Simon and Shuster, p. 220.)

We see this allusion to the king as the "fountain of justice" frequently in Shakespeare.

"* * * What is now amiss that Caesar and his senate must redress?" (Julius Caesar, Act III, Scene I)

The king as the source of justice is directly expressed by the Lord Chief Justice in his words to the new King Henry V in the play *Henry IV* (Part II, Act V, Scene II):

"I then did use the image of your father;
 The image of his power lay then in me;
 And in th' administration of his law,
 While I was busy for the commonwealth,
 Your highness pleased to forget my place,
 The majesty and power of law and justice,
 The image of the King whom I presented, * * *"

This was the famous Lord Chief Justice William Gascoigne, central figure in the historical controversy over the question of whether or not he actually imprisoned Henry, while Prince of Wales, and was consorting with old John Falstaff and his roisterous tavern companions.

ADMINISTRATION OF THE LAW

"Measure for Measure" is a powerful and moving depiction of the horrors of administration of justice by men of small hearts and narrow heads, who regard only the letter of the law and forget its spirit.

Vicentio, the good Duke of Vienna, deputizes Angelo—a man possessed of these qualities—to administer the law while he goes

on a journey. Again justice emanates from the Head of State. Angelo sets out vigorously to enforce the laws against unchastity which long have been openly and flagrantly disregarded. He condemns Claudio to death as guilty of seduction and holds to the sentence even though his own infamous conduct in the crimes of passion should have counselled mercy. Only the good Duke's knowledge of these events and his eventual return saves tragic miscarriage of justice.

Lafcadio Hearn (*Interpretations of Literature*, Vol. II) believes *Measure for Measure* to be the most sombre and most psychologically terrible of all Shakespeare's plays. The spectator's nerves are kept in extreme tension—almost agony from first to last. Angelo's granitelike conviction was that the laws must be enforced just as they read. (Act II, Scene I.) He made a moving statement to show a law unenforced was an invitation to treat the law with contempt:

"We must not make a scarecrow of the law,
Setting it up to fear the birds of prey,



SPARKLETTS
California's Finest
DRINKING WATER

Deep rock artesian
spring water...bottled
at the source in the
world's largest
bottled water plant.

Albany 1171
or see your local directory

Sparkletts Presents:
TOWN MEETING OF THE AIR
THURSDAYS 8:30 PM—KECA

And let it keep one shape, till custom make it
Their perch, and not their terror."

Words noble enough. Shakespeare frequently put noble words in the mouths of villains. Angelo himself lacked the nobility of character to appreciate or heed the fine words of Isabella (Act II, Scene II).

"* * * O, it is excellent
To have a giant's strength; but it is tyrannous
To use it like a giant."

Every judge would do well to listen and give heed to the words of the good Duke, when (Act III, Scene II) he had set about righting things.

"He who the sword of heaven will bear
Should be as holy as severe;
Pattern in himself to know,
Grace to stand, and virtue go;
More nor less to others paying
Than by self-offences weighing.
Shame to him whose cruel lightning
Kills for faults of his own liking!"

There is a line in *Coriolanus* (Act III, Scene III) voicing a similar prayer:

"Keep Rome in safety, and the chairs of justice
Supplied with worthy men!"

We are indebted to *Measure for Measure* for an observation on Juries that is as apt today as it was in Shakespeare's time (Act II, Scene I):

"The jury, passing on the prisoner's life,
May in the sworn twelve have a thief or two
Guiltier than him they try."

Measure for Measure is a sermon—a powerful one. It is a demonstration—of as great value today as when written—that laws provide justice only to the extent that they are administered with intelligence and humanity. That same problem confronting men of good will in Shakespeare's time is still with us over three hundred years later.

MERCY IN JUSTICE

The problem of mercy in justice apparently intrigued Shakespeare mightily for this theme keeps appearing frequently in the plays. Probably the most famous trial scene in all literature is in "*The Merchant of Venice*" when Shylock demands of the

Duke his pound of flesh from Antonio's breast and is confronted by Portia masquerading in the role of the brilliant young doctor of laws of Rome, Balthazar, who came to the Venice court with letters from the distinguished lawyer Bellario of Padua. After she admits the validity of Shylock's claim she urges mercy and failing to find it in his heart she then takes the victory by citing the statute of Venice showing his own life would be forfeit if he shed one drop of Antonio's Christian blood.

Portia's Quality of Mercy appeal is known to every English speaking school boy and girl yet its beauty depends not on the age of the listener (Act IV, Scene I):

"The quality of Mercy is not strain'd,—
It droppeth as the gentle rain from heaven
Upon the place beneath; it is twice blest,—
It blesseth him that gives, and him that takes;
'Tis mightiest in the mightiest; it becomes
The throned monarch better than his crown;
His scepter shows the force of temporal power,
The attribute to awe and majesty,
Wherein doth sit the dread and fear of kings;
But mercy is above this scepter'd sway,—
It is enthroned in the heart of kings,
It is an attribute to God himself;
An earthly power doth then show likest God's
When mercy seasons justice. Therefore, Jew,
Though justice be thy plea, consider this,—
That in the course of justice, none of us
Should see salvation; we do pray for mercy;
And that same prayer doth teach us all to render
The deeds of mercy."

Shakespeare was intensely human. Indeed his humanity is the very essence of his greatness. He can write heavenly poetry about mercy in justice and then proceed to caution against its extravagant use and warn against the lack of judgment when seasoning justice with mercy.

We find this caution in the words of the wounded Lord Clifford in King Henry the Sixth (Part III, Act II, Scene VI):

"And what makes robbers bold
but too much lenity?—"

Again, in Measure for Measure (Act II, Scene I), Escalus says:

"Mercy is not itself, that oft looks so;
Pardon is still the nurse of second woe:"

We could go on. Almost every time we find a moving plea for mercy we find, likewise, a warning against being carried away by a too generous use of it. So almost in the same breath, Shakespeare says (in *Timon of Athens*—Act III, Scene V):

"For pity is the virtue of the Law
And none but tyrants use it cruelly"

and, then the warning:

"Nothing emboldens sin so much as mercy."

After all, we only suspect that Shakespeare might have been a lawyer. We know that first of all he was a poet and dramatist.

PROBATE LAW

Shakespeare shows an easy familiarity with the language of probate matters. In the play *Richard II* when Bolingbroke has returned to claim the crown we find in the same lament containing those famous lines of the unhappy Richard's (Act III, Scene II):

"For God's sake let us sit upon the ground,
And tell sad stories of the death of kings;—"

a reference to the mainsprings of probate law:

"Let's choose executors and talk of wills;—"

**FOR FAST,
DEPENDABLE
SERVICE, BRING
US YOUR • • • • •**

•
• **ESCROWS** •
•
• • • • •

CALIFORNIA TRUST COMPANY

MEMBER FEDERAL RESERVE SYSTEM & FEDERAL DEPOSIT INSURANCE CORPORATION

TRUST SERVICE EXCLUSIVELY • 629 SO. SPRING STREET • MICHIGAN 0111

The most famous of Shakespeare's use of Last Wills and Testaments, of course, is in the great funeral oration of Mark Antony's for Caesar ("Julius Caesar," Act III, Scene II) when Antony stirs up the populace of Rome to rage and mutiny.

Readers of Shakespeare will remember the skillful employment Antony makes of Caesar's will. He mentions it to the multitude, then appears to regret his having done so and goes on only later again to refer to it directly but with doubt and hesitation:

(Antony)

* * * * *

"But here's a parchment with the seal of Caesar,—
I found it in his closet,—'tis his will:
Let but the commons hear this testament,—
Which, pardon me, I do not mean to read,—
And they would go and kiss dead Caesar's wounds,
And dip their napkins in his sacred blood;
Yea, beg a hair of him for memory,
And, dying, mention it within their wills,
Bequeathing it, as a rich legacy,
Unto their issue."

(Citizen)

"We'll hear the will; read it, Mark Antony."

(Citizens)

"The will, the will! We will hear Caesar's will."

(Antony)

"Have patience, gentle friends, I must not read it;
It is not meet you know how Caesar loved you.
You are not wood, you are not stones, but men;
And, being men, hearing the will of Caesar,
It will inflame you, it will make you mad:
'Tis good you know not that you are his heirs;
For if you should, O, what would come of it!"

(Citizen)

"Read the will: we'll hear it, Antony;
You shall read us the will,—Caesar's will."

(Antony)

"Will you be patient? Will you stay awhile?
I have o'ershot myself to tell you of it:
I fear I wrong the honourable men
Whose daggers have stabb'd Caesar; I do fear it."

* * * * *

(Citizens)

"The will! the testament!"

* * * * *

(Antony)

"You will compel me, then, to read the will?
Then make a ring about the corpse of Caesar,
And let me show you him that made the will."

* * * * *

And then the powerful oration which brought the commons
to a wrathful frenzy—with the will completely forgotten until
Antony again subtly refers to it.

(Antony)

"Why, friends, you go to do you know not what:
Wherein hath Caesar thus deserved your loves?
Alas, you know not,—I must tell you, then:—
You have forgot the will I told you of."

(Citizens)

"Most true; the will:—Let's stay and hear the will."



COMPLETE TRUST SERVICE

for your convenience. Citizens offers personalized consideration of any type of trust administration your clients require.

CITIZENS
NATIONAL BANK
TRUST & SAVINGS OF LOS ANGELES

HEAD OFFICE . . . FIFTH & SPRING STREETS
MEMBER FEDERAL RESERVE SYSTEM
MEMBER FEDERAL DEPOSIT INSURANCE CORPORATION



BUY AND HOLD U.S. SAVINGS BONDS

A HELPING HAND-

is extended to individuals acting as Executor, Administrator, or Guardian of Estates. As Agent under a Custodianship or Agency Account we provide facilities for:

- Safekeeping of Assets
- Accounting and Preparation of Statements
- Collections — Stocks, Bonds, Rentals, Notes
- Purchase and Sale of Securities
- Maintenance and Sale of Real Property

You will be agreeably surprised at the nominal cost. Our Trust Department will gladly outline the plan to you.

**THE FARMERS AND MERCHANTS
NATIONAL BANK OF LOS ANGELES**

FREE • PRIVATE AUTO PARK
AT 340 SOUTH SPRING ST.

THE OLDEST BANK IN SOUTHERN CALIFORNIA

MADISON 7272 • 4TH AND MAIN STREETS (ZONE 54)

MEMBER FEDERAL DEPOSIT INSURANCE CORPORATION

(Antony)

"Here is the will, and under Caesar's seal:—
To every Roman citizen he gives,
To every several man, seventy-five drachmas."

(Citizens)

"Most noble Caesar!—We'll revenge his death."

* * * * *

(Antony)

"Moreover, he hath left you all his walks,
His private arbours, and new-planted orchards,
On this side Tiber; he hath left them you,
And to your heirs forever,—common pleasures,
To walk abroad, and recreate yourselves.
Here was a Caesar! When comes such another?"

No, Antony was not a lawyer. It might be said of him, as of Shakespeare, his knowledge of law was neither profound nor accurate. Antony was a soldier—and a roisterer of epic stature, but he makes facile use of the phrases "common pleasures" and "to your heirs forever" in a highly technical sense.

This is a wonderful drama. Shakespeare, with a poet's and dramatist's license, o'ershot history a bit perhaps in this great scene but in essence, I believe, it is completely accurate. It is true Caesar's will left these benefits to the common people. However, the will was not actually produced for several days after his demise. Caesar was stabbed to his death in the Ides of March (March 15) in 44 B. C. In the play the oration was made apparently within minutes afterwards. Historically, I believe, it was not until four days later (March 19) that Antony actually secured the will from the Vestal Virgins of Rome, with whom Caesar had lodged it. He did read it—twice, in fact, once to a small and then again to a large gathering. Antony was astonished and hurt by the terms of Caesar's will for Caius Octavius, Caesar's nephew (the Augustus of history) was named adoptive son and heir. Antony's famous oration was delivered on March 20th when Caesar's body—now embalmed—was brought to the forum for the formal services. As in the play, Antony at first spoke with restraint but later his eloquence flared. When he raised Caesar's torn and bloody robe, the crowd went completely wild. (Will Durant, "Caesar and Christ," 1944, Simon and Shuster.) The world is fortunate that one of history's

most dramatic moments has been forever preserved in one of the greatest plays of the world's greatest dramatist.

TREATMENT IN PERSIFLAGE OF LAW AND LAWYERS

The professional seriousness of the lawyer has amused and evoked bandinage from his non-professional friends since the memory of man. And in Shakespeare's time apparently he found it a source of delight to prod the lawyer and disparage the law and its intricate and often artificial procedures.

Much of this is sheer buffoonery—just as we find it today in club plays and even at luncheon and dinner tables shared by lawyers and their laymen friends. We find it great fun today; it must have been equally so at the turn of the seventeenth century.

All lawyers have heard many an expression similar to the suggestion of Dick the Butcher to the famous Jack Cade (in *Henry VI, Part II, Act IV, Scene II*) as to their first act when and if Cade's plan to be king is realized:

"The first thing we do, let's kill all the lawyers."
to which Cade replies:

"Nay, that I mean to do."

It took a Shakespeare to invent the subtle mischief contained in the lines of Mistress Page in "*The Merry Wives of Windsor*" (after she and Mistress Ford had engaged themselves to check the desires of the lustful Sir John Falstaff) (*Act IV, Scene II*):

"The spirit of wantonness is, sure, scared out of him; if the devil have him not in fee simple, with fine and recovery, he will never, I think, in the way of waste, attempt us again."

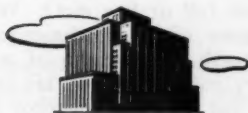
Shakespeare, at the dinner table or at masques and revels, must have been a rugged adversary for the most scintillating of the great minds among the lawyers of his day—and there were many.

Yet even when his words sting you feel that underneath it all is the sense of appreciation of the necessity of law, its importance, its great contribution to society and its high functions in maintaining order and government. His jests are those of a man who understands and really loves the men and their profession about whom, and about which, he gently makes sport.

GET SOMETHING FOR NOTHING

THAT'S WHAT HAPPENS to you when your name is on our mailing list to receive *Estate and Tax News*, monthly publication prepared for us by Prentice-Hall, Inc., tax specialists. Attorneys already on the list find the issues month by month interesting and helpful—for *Estate and Tax News* contains short and timely articles on late tax rulings, permissible deductions, estate matters, dividends, gifts, securities and other subjects vital to attorneys.

Regarding *Estate and Tax News*—which is free for the asking—write or phone our Estate Planning Division, MADison 6-2411.



Southern California's Oldest Trust Company

Title Insurance and Trust Company

433 South Spring Street, Los Angeles 13

In Timon of Athens (Act IV, Scene III) Timon says:

"Crack the lawyer's voice,
That he may never more false title plead,
Nor sound his quilllets shrilly;"

Even the very sound of the pleader's voice seemed important to Shakespeare:

Bassanio in The Merchant of Venice (Act III, Scene II) observes:

"In law, what plea so tainted and corrupt,
But, being season'd with a gracious voice,
Obscures the show of evil?"

He was conscious of the importance to the lawyer of his fee as it appears in Romeo and Juliet in Mercutio's famous Queen Mab speech (Act I, Scene IV) where he has the fairies' mid-wife gallop, night by night.

"Through lover's brains, and then they dream of love;
O'er courtiers' knees, that dream on court'sies straight;
O'er lawyers' fingers, who straight dream on fees;"

Shakespeare used Hamlet to voice his irritations at the eccentricities of lawyers. In the famous graveyard scene along with "poor Yorick's," Hamlet gazes at another skull and speaks lines that have become classic (Act V, Scene I):

"There's another; why may not that be the skull of a lawyer? Where be his quiddits now, his quilllets, his cases, his tenures, and his tricks? Why does he suffer this rude knave now to knock him about the sconce with a dirty shovel, and will not tell him of his action of battery. Hum! This fellow might be in's time a great buyer of land, with his statutes, his recognizances, his fine, his double vouchers, his recoveries; is this the fine of his fines, and the recovery of his recoveries, to have his fine pate full of fine dirt? Will his vouchers vouch him no more of his purchases, and double ones too, than the length and breadth of a pair of indentures? The very conveyances of his lands will hardly lie in this box; and must the inheritor himself have no more, ha?"

Not all his quips had barbs in them. There is the simple couplet from "The Taming of the Shrew," Act I, Scene II, which sums up, with complete understanding, the lawyers' relationship to his fellow practitioners:

"* * * do as adversaries do in law
Strive mightily, but eat and drink as friends."

Had his irony and fun at the expense of law and lawyers been a thousand times more barbed, for having penned those lines alone, we could forgive Shakespeare.

CONCLUSION

Was Shakespeare a lawyer? After all we have not intended to brief the question either way. Our interest has been centered on his use of the lawyer and his use of legal situations in his plays. Would that each of us, as humble practitioners, had similar gifts in addressing ourselves to the language of the law.

Graham Greene in "The Romance of English Literature" (edited by W. J. Turner—Hastings House, New York, 1944) finds one facet of Shakespeare's greatness in exactness of expression—"a mathematical accuracy as if this astonishing man could measure his words against our nature in a balance sensitive to the fraction of a milligramme." (P. 113.)

Has Shakespeare done so with respect to his use of the language of the law? The lawyer is hard put to it to find error.

LEGAL ETHICS.

OPINION NO. 163

(February 19, 1947)

SOLICITATION—STIRRING UP LITIGATION—"HEIR-HUNTING" AGENCY—It is improper for an attorney to accept employment to search probate records to ascertain and notify a lay organization of the existence of missing heirs, the business of the lay agency being to locate the heirs and seek employment in representing them.

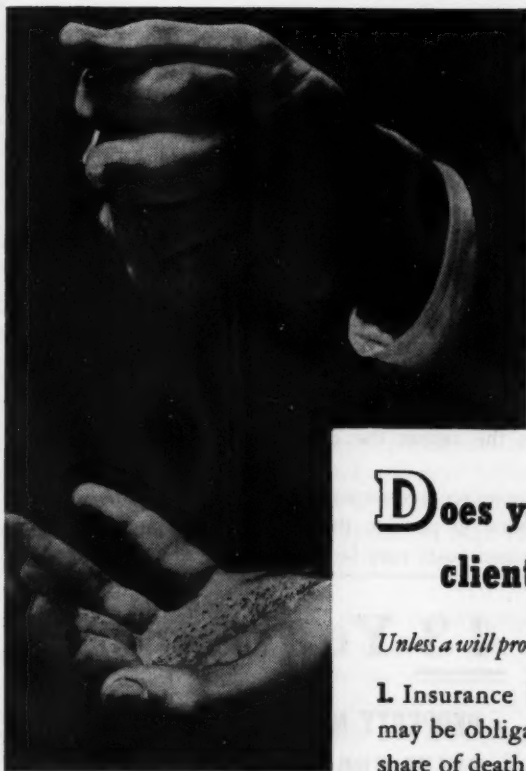
An organization, presumably of lay character, is engaged in the business of locating missing heirs of probate estates. When such an heir is located the organization obtains from the heir a power of attorney authorizing it to collect any money or assets due him from the estate, taking as compensation an assignment of a portion of the heir's distributive share. A lawyer has been offered employment by the organization in question, in the course of which he will make daily checks of the probate records of the Superior Court, ascertain the estates, if any, in which there are missing heirs, and advise the organization of the facts so

ascertained. In the case of persons residing in Southern California whose interest in estates elsewhere is uncovered by the organization, the lawyer will act in procuring the power of attorney and assignment for the organization. The manner by which the lawyer is to be compensated is not stated in the facts presented to the committee, nor is it indicated whether, in respect either of estates pending in Southern California or of missing heirs residing in that area, the lawyer will be employed to represent the heirs.

In the opinion of the Committee it would be professionally improper for the lawyer to undertake the indicated employment. Assuming that there is no understanding or agreement, tacit or express, looking to the ultimate employment of the lawyer in the representation of the heirs located by his search, the activities required of him would nevertheless be obnoxious to Canon 28 prohibiting the stirring up of strife or litigation. (A. B. A. Opinion 173.) The word "litigation," for the purpose of interpreting this Canon, is not to be given a technical or limited meaning, but is to be taken as applying to any procedure requiring ultimately the decision or order of a court and in which adversary proceedings may be had.

On the other hand, if there is any understanding or agreement to the effect that the lawyer will be employed to represent the heir or that his employment in that capacity will be recommended by the organization, the activities would be improper for the further reason that they would amount to the solicitation of professional employment in violation of Canon 27 and Rule 2 of the Rules of Professional Conduct. It has so been held in the case of a lawyer who, after ascertaining the existence of missing heirs, himself solicits them. (A. B. A. Opinion 173.) While here the solicitation would be made not by the lawyer but by a lay agency (a practice which is itself in contravention of Canon 27) the case is not different in principle, since indirect, as well as direct, solicitation is professionally condemned. (Canon 27. See A. B. A. Opinions 188, 225, 234.)

Attention is also directed to *Estate of Butler*, 29 A. C. 652, in which the conduct of the business of an "heir-hunting" organization, similar to that described in this opinion, was held



"Don't Let This Happen To Your Estate"... is the caption that accompanies this picture, which appears in Union Bank & Trust Co. advertisements, currently running in local newspapers.

Does your client know...

Unless a will provides otherwise:

1. Insurance beneficiaries may be obligated to pay a share of death taxes?
2. This may also be true of surviving joint tenants and other "non probate" donees?

[Pro.C970etseq.-826(c)I.R.C.]

UNION BANK & TRUST CO. OF LOS ANGELES

THE BANK OF PERSONAL SERVICE • MEMBER FEDERAL DEPOSIT
INSURANCE CORPORATION AND FEDERAL RESERVE SYSTEM

by the Supreme Court to constitute illegal practice of the law and to be contrary to public policy.

It should be noted that there is not before the Committee and the Committee does not pass on the propriety of a situation in which a lawyer is employed, by one having a legitimate interest therein, to make investigation into the status of a known and specifically designated estate.

This opinion, like all opinions of the Committee, is advisory only. (By-Laws, Art. VIII, Sec. 3.)

DIGEST OF REPORT OF COMMITTEE ON DIVORCE COURTS

THE Committee on Divorce Courts has filed an excellent report with the Association covering its activities for the year 1946-1947. In the report the committee covers the following nine subjects:

1. The committee recommended that Section 137 of Civil Code be amended to provide that an allowance for the wife's attorney's fees and costs may be made at the time of trial with-

over **43 Years** experience

- PROPERTY MANAGEMENT
- SALES AND LEASES
- APPRAISALS
- INSURANCE
- LOANS

R. A. ROWAN & CO.

ESTABLISHED 1904

ROWAN BUILDING

458 SOUTH SPRING STREET

TRINITY 0131

out a preliminary hearing or stipulation. The recommendation has been approved by the Board of Trustees.

2. It reported that the committee investigated the publicity attending divorce actions but reached no conclusions. It recommended that a clipping file of divorce case publicity be kept by the Association Office for study and analysis. The Board did not approve this recommendation.

3. An analysis of the increase in divorce case filings was made and the committee recommended approval of proposed legislation for some increase in the number of Superior Court judges. The Board referred the recommendation to the Committee on Judiciary and also reserved the subject for further consideration by the Board.

4. The committee expressed the opinion that uniformity of procedure with respect to property settlements is desirable and recommended that the judges and attorneys follow the practices recommended in the Schedule of Uniform Policy adopted by the judges on January 5, 1942, and printed at page 121 of the Daily Journal edition of Court Rules. The Board has approved this recommendation.

5. The committee reported that it had investigated the practices in assigning default divorce cases for trial and had found no irregularities or unfairness in the practices. It had considered a proposal to assign default divorce cases for trial to special departments devoted to such trials and recommended that there be no change in the practice now prevailing. It recommended that uniformity in practice with respect to the method of examination of witnesses and with respect to the evidence required in

LET FLOWERS CARRY YOUR MESSAGE
of Good Cheer—Condolence—Congratulations or for any occasion
Phone and Charge It . . .

MUtual 4288—TUcker 6701

Broadway Florists

216½ WEST FIFTH STREET

BETWEEN SPRING STREET AND BROADWAY

Flowers Telegraphed to Any City in the World

default divorce cases was desirable and recommended that the judges follow the recommendations of the majority as set forth in the Schedule of Uniform Policy adopted on January 5, 1942, and printed at page 122 of the Daily Journal edition of Court Rules. The Schedule provides that counsel should be allowed to examine their own witnesses but should ask direct questions and that counsel should examine witnesses from their places at the counsel table. The corroboration should extend to each of the essentials to support a decree.

6. The committee commented at length on the procedure followed in *pendente lite* hearings assigned to a Commissioner. It recommended that a reporter be assigned to Commissioner hearings and this recommendation was approved by the Board. It commented regarding the practices with respect to Commissioner's reports and the advisability of changing the practices to comply with Section 259(a) (2) of the Code of Civil Procedure. It reserved the subject for further consideration.

7. The report commented at length on the procedures before the Conciliation Court. The Board has directed that the entire subject be further considered by the 1947 committee.

8. The report discussed at length the practices with respect to reports of investigators in domestic relations cases provided for in C. C. P. 261a, the holding in the case of *Fewel vs. Fewel*, 23 Cal. (2d) 431, at the propriety of the use of such reports in affidavit form as evidence at trials as distinguished from evidence at hearings on *pendente lite* proceedings. The subject was reserved for further study and specific recommendation by the 1947 committee.

9. The committee considered the changes in annulment and divorce laws recommended by Judge Roy V. Rhodes and concluded that the changes other than the change in C. C. 137 considered above, involved sociological problems beyond the field assigned to the committee.

The members of the committee for the year 1946-1947 were Milo V. Olson, Chairman, Robert N. Baker, Board Member, Russell A. Barker, Edmund M. Bluth, Lee Combs, Gordon F. Hampton, Norf James Jebbia, Lowell Matthay, Vere Radir Norton, James L. Potts, Carl J. Schuck, Harold W. Schweitzer and William Hawes Smith.

TIN

the
orth
942,
ourt
wed
ions
s at
n of

lure
mer.
oner
ard.
mis-
s to
ure.

be-
the

pect
ided
wel,
orts
evi-
was
the

and
con-
137
field

were
ber,
n F.
Nor-
and